

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, et al.,)
)
Plaintiffs,)
)
v.)
)
MARSHALL CONTRACTING, LLC,)
)
Defendant.)

Case No.: 4:08CV1083-TIA

ORDER COMPELLING AN ACCOUNTING

This is an action to collect delinquent fringe benefit contributions pursuant to Section 301 of the Labor Management Relations Act of 1947, as amended, 29 U.S.C. §185, and pursuant to Section 502 of the Employee Retirement Income Security Act of 1974, as amended, 29 U.S.C. §1132.

Defendant Marshall Contracting, LLC was served with the summons and complaint on July 31, 2008, and has not filed an answer or otherwise entered its appearance.

Pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, plaintiffs have moved this Court for an order compelling defendant to submit to a financial examination so that plaintiffs can determine the amounts allegedly owed.


Plaintiffs have established that defendant is bound by collective bargaining agreements with Laborers Locals 42-53-110. These agreements require defendant to submit contributions to the Laborers Funds, and authorize plaintiffs to examine the financial records of defendant to ascertain whether the required contributions were made. The only way in which plaintiffs can determine the amount owed is through such financial examination.

WHEREFORE, defendant is hereby ordered to provide to plaintiffs within thirty (30)

days of the date of this Order all of his books, ledgers, payroll records, cash disbursement ledgers, bank statements and other documents reflecting or pertaining to all hours worked by and wages paid to defendant's employees since July 13, 2005.

The Court reserves jurisdiction to make such further orders and grant such additional relief, including but not limited to the entry of partial and final judgments, as it deems appropriate.

SO ORDERED:

A handwritten signature in black ink, appearing to read "Catharine D. Fung", written over a horizontal line.

UNITED STATES DISTRICT JUDGE

DATE: 10/8/08 _____